

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
 WASHINGTON, D.C. 20554

JAN 10 1997

In the Matter of)	
)	
Amendment of Section 73.202(b))	
Table of Allotments)	MM Docket No. 97-9
FM Broadcast Stations)	RM-8929
(New Boston, Texas))	

To: Chief, Allocations Branch

COMMENTS AND COUNTERPROPOSAL
OF
IDABEL COMMUNITY BROADCASTERS

Idabel Community Broadcasters (hereafter "ICB"), by its undersigned counsel, hereby respectfully submits this "Comments and Counterproposal" in connection with the "Notice Of Proposed Rule Making" (hereafter the "Notice") released in the above-captioned rule making proceeding.¹

1. The Notice proposes the allotment of FM Channel 286A at New Boston, Texas, as that community's third FM channel. ICB believes that a more fair and efficient utilization of FM Channel 286A under the Communications Act of 1934, as amended, would be to assign FM Channel 286A to Idabel, Oklahoma, as that community's second local FM channel. Unfortunately, the allotment of FM Channel 286A to New Boston, Texas and Idabel, Oklahoma are mutually-exclusive inasmuch as that FM channel

allocation cannot be used in both communities. Attached hereto is an Engineering Statement prepared by ICB's engineering consultants, Lechman & Johnson, Inc., demonstrating that the proposed FM Channel 286A allotment to Idabel, Oklahoma can be made in conformity with the Commission's rules and regulations governing such allocations, and without a site restriction of any kind.

2. ICB respectfully requests that the Commission allot FM Channel 286A to Idabel, Oklahoma. Idabel, Oklahoma, has a 1990 census population of 6,957 persons, whereas New Boston, Texas is credited with a 1990 census population of only 5,057 persons. Thus, Idabel has a 30% larger population, but only one local FM allotment, whereas New Boston already has two local FM allotments. Should the Commission adopt this proposal, ICB will file an application for a construction permit with the FCC to utilize this allotment, and will build and operate a new FM station at Idabel, Oklahoma, in the event its application is granted.

Accordingly, Idabel Community Broadcasters respectfully requests the amendment of Section 73.202(b) of the Commission's rules as follows:

<u>COMMUNITY</u>	<u>PRESENT ALLOCATION</u>	<u>PROPOSED ALLOCATION</u>
Idabel, Oklahoma	244C3	244C3, 286A

Respectfully submitted,

Idabel Community Broadcasters

By: 

Jeffrey D. Southmayd

Its Attorney

Southmayd & Miller
1220 Nineteenth Street, N.W.
Suite 400
Washington, D.C. 20036
(202) 331-4100

Date: March 10, 1997

DECLARATION

ENGINEERING STATEMENT

PREPARED FOR
IDABEL COMMUNITY BROADCASTERS
IDABEL, OKLAHOMA

Thomas J. Johnson says that he is an engineer and Vice President of Lechman & Johnson, Inc., Telecommunications Consultants, with offices located at 16201 Trade Zone Avenue, Suite 106, Upper Marlboro, Maryland, and that his qualifications are a matter of record with the Federal Communications Commission.

That the firm of Lechman & Johnson, Inc. has been retained by Idabel Community Broadcasters to prepare this Engineering Statement in support of a Petition for Rule Making to amend the Table of FM Assignments, Section 73.202(b), to allocate Channel 286A to Idabel, Oklahoma. It is proposed to amend the Table of FM Assignments as follows:

<u>Community</u>	<u>Present Allocation</u>	<u>Proposed Allocation</u>
Idabel, Oklahoma	244C3	244C3, 286A

A channel study was made to determine whether a channel could be found which would comply with the Commission's minimum separation requirements of Section 73.207 of the Rules and Regulations. This study showed that Channel 286A would meet these separation requirements. The reference coordinates relied upon are as follows:

North Latitude: 33° 53' 48"
West Longitude: 94° 49' 42"

Table I is a list of existing stations, applications, allocations and proposed rule makings of co-channel and adjacent channel assignments pertinent to allocating Channel 286A to Idabel, Oklahoma. The tabulation of distances shown in this Table were calculated by the methods prescribed in Section 73.208 of the Commission's Rules and Regulations, using the above reference point.

LECHMAN & JOHNSON, INC.

Declaration - Idabel Community Broadcasters
Thomas J. Johnson
Page Two

Section 73.315(a) of the FCC Rules and Regulations requires that the 70 dBu contour must encompass the boundaries of the principal community to be served. There is no terrain obstruction to the city of Idabel, Oklahoma. Therefore, the proposed operation will provide the requisite coverage to Idabel, Oklahoma in accordance with the provisions of Section 73.315 (a) & (b) of the FCC Rules and Regulations.

The city of Idabel, located within McCurtain County, Oklahoma has a 1990 population of 6,957.

The results of these studies show that Channel 286A can be assigned to Idabel, Oklahoma consistent with the requirements of the Commission's Rules and Regulations.

I declare under penalty of perjury that the foregoing is true and correct.

LECHMAN & JOHNSON, INC.



Thomas J. Johnson
Telecommunications Consultant
February 17, 1997

LECHMAN & JOHNSON, INC.

TABLE I

SEPARATION STUDY

LECHMAN AND JOHNSON, INC.
16201 TRADE ZONE AVENUE, SUITE 106
UPPER MARLBORO, MARYLAND 20774

IDABEL, OK

Channel 286A 033-53-48 / 094-49-42 erp : 6.000 kw eah : 100 m

Designation =====	Channel (MHz) =====	Pertinent Allocation or Authorized Station =====	Separation Actual =====	(Km) Required =====
Co-channel	286A (105.1)	New Boston, TX RM-8929 033-27-41 / 094-31- 0 0.00 kw / 0 m bearing from proposed = 149.13 deg	56.27 SHORT (-58.73 km)	115 <u>1</u> /
1st Adjacent	287C3 (105.3)	Mena, AR RM-8825 034-38-46 / 094-16-53 0.00 kw / 0 m bearing from proposed = 30.94 deg	97.20 CLEAR (8.20 km)	89

END OF STUDY

1/ This proposal is mutually exclusive with RM 8929.

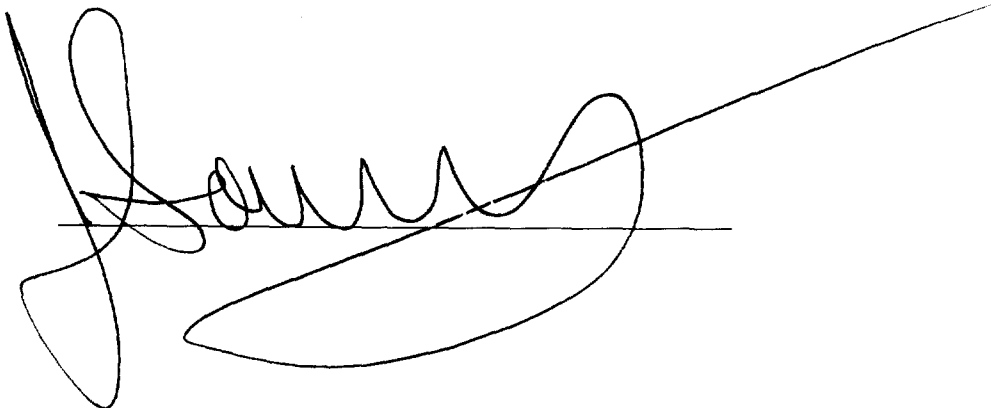
LECHMAN & JOHNSON, INC.

CERTIFICATE OF SERVICE

I, Jeffrey D. Southmayd, do hereby certify that I have caused copies of the foregoing "Comments And Counterproposal of Idabel Community Broadcasters" to be sent by first class United States mail, postage pre-paid, on this 10th day of March, 1997, to the following:

John A. Karousos, Chief
Allocations Branch
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
2000 M Street, N.W.
Room 554
Washington, D.C. 20554

Henry E. Crawford, Esquire
1150 Connecticut Avenue, N.W.
Suite 900
Washington, D.C. 20036
Counsel to Dixie Broadcasting Company

A handwritten signature in black ink, appearing to read "Jeffrey D. Southmayd", is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke extending to the right.